



CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **February 18, 2025, 7:00 PM**

Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. **Convene**

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Attendance
- 1.4. Agenda review and adoption
- 1.5. Approve Minutes from January 21, 2025**2-11**

2. **Agenda**

- 2.1. **File #20250003**– Public hearing on application by Greg Huiras, representing Mathiowetz Construction Company, for an Interim Use Permit.
(Land Reclamation of 10,000+ Cu Yds)
Benton Township**12-30**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

February 10, 2025

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (Land Reclamation – Borrow Pit)

FILE #: PZ20250003

APPLICANT: Mathiowetz Construction Co. (Greg Huiras)

OWNER: David Tellers (CFD Purchaser)

Kenneth M. Tellers Family Trust (Owner & CFD Seller)

Martha K. Tellers Trust (Owner & CFD Seller)

SITE ADDRESS: 11610 Hwy 212, Norwood Young America, 55368

PERMIT TYPE: Land Reclamation of 10,000+ cu. yds. (Borrow Pit)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082 (C)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-015-0105

STAFF ANALYSIS:

1. The Tellers Family owns an approximate 28.4-acre parcel located in the West Half (W½) of West Half (W½) of Northwest Quarter (NW¼) of Section 15, Benton Township. The property consists almost entirely of a tilled farm field, with some scattered wetlands. It is situated within the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. Mathiowetz Construction Company ("Mathiowetz"), represented by Greg Huiras, has secured the contract with Carver County for the reconstruction and expansion of Hwy. 212 between Cologne and Norwood Young America. The subject property, conveniently located adjacent to the road corridor, is the proposed site for the borrow area. The close proximity reduces project costs and minimizes the impact of loaded haul trucks on the County roads traveling to a more distant borrow pit site. The proposed duration of the Interim Use Permit is from April 1, 2025, to November 1, 2027. Upon project completion, the land will be restored to agricultural use. Under the Zoning Code, this type of soil removal and replacement is classified as land reclamation.
3. Mathiowetz is requesting an Interim Use Permit (IUP) pursuant to Section 152.081 and 152.082 (C)(1) of the Carver County Zoning Code which allows for land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP) as follows:

§ 152.081 INTERIM USE PERMIT (IUP).

The county may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the county will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable.

(A) *General provisions.*

- (1) The use conforms to the zoning regulations.
- (2) The date or event that will terminate the use can be identified with certainty.

- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.
- (5) Any interim use may be terminated by a change in zoning regulations.
(Ord.70-2010, passed 1-25-11, passed 7-20-21)

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) *Minimum criteria for issuance.*

- (1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
- (2) The activity conforms to all other county ordinances, state, and federal regulations.
- (3) Minimum five acre lot size; unless another size is specified under a particular provision.
- (4) Waste generated shall be treated in accordance with [Chapter 52](#) of this code of ordinances. The county may require design by a registered engineer.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) *Minimum conditions.*

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.
- (6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
- (7) The date or event that will terminate the use shall be identified.

(C) *Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).*

- (1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).
 - (a) The permit shall be issued only upon findings that:
 1. There is no substantial environmental impact or that the impact will be alleviated through a restoration program and other condition of the permit; and
 2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit.
 - (b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards.

1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.
2. Minimum requirements for the operation.
 - (i) Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
 - (ii) No non-granular material shall be removed unless the permit is specifically for such an operation.
 - (iii) Vertical faces shall be kept to a minimum except during actual mining.
 - (iv) Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.
 - (v) The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.
 - (vi) Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - (vii) The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.
 - (viii) Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.
 - (ix) Any mining within 300 feet of a Class 3 through 8 wetland must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.
 - (x) A mandatory traffic study shall be prepared by a licensed engineer.
 - (xi) The operation must comply with applicable watershed management rules.
3. *Site/operational plan.* A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.
4. *Reclamation plan.* A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply.
 - (i) The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.
 - (ii) Excavated, graded or back-filled areas shall meet the following requirements.
 - A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.
 - B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
 - C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches and seeded or sodded.
 - D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.
 - (iii) Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

- (iv) Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.
 - (v) Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."
 - (vi) Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.
 - (vii) When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.
 - (viii) The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.
 - (ix) Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stockpiles of extracted mineral materials and debris shall be removed from the subject property.
 - (x) For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.
 - (xi) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. The recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.
5. *Performance securities and insurance.*
- (i) The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
 - (ii) A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

(Ord.70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21) Penalty, see § [152.999](#))

4. The submitted project narrative (dated February 7, 2025) outlines the project details. Mathiowetz has an agreement with the property owner to remove approximately 60,000 cubic yards of common borrow from the property during the 2025-2026 construction season. The borrow area is currently used as a crop production farm field. As part of the reclamation effort, 80,000 cubic yards of uncontaminated soil, removed from a roadway site, would be deposited onto the Tellers' property. Work vehicles include excavators, bulldozers, loaders, approximately seven off-road haul trucks, and about 20 on-road trucks. The project would also involve recycling concrete and bituminous pavement for reuse as aggregate base material in the new Highway 212 lanes. Pavement removed from the existing roadway would be stockpiled, crushed, and stored for future use. The processed material would then be transported off-site for incorporation into the new roadway. Equipment used for this process includes loaders, a crusher, conveyors, and shakers. Working hours would be 6:00AM to 7:00PM, Monday through Saturday. Approximately 12 employees, excluding haul truck drivers, would be working on-site. There would be no public access to the site and no signage on the property. Dust control would be managed by applying water using water trucks. Stabilized entrances would be implemented to prevent sediment tracking onto the existing Public Works facility driveway and the active Highway 212 roadway.

5. The applicant has submitted an operations site plan (dated February 7, 2025) detailing the specific areas where material would be removed from the field and where clean uncontaminated soil from the construction site would be deposited. The designated 9.5-acre deposit area is located on the southern portion of the Tellers property along Highway 212, immediately west of the Carver County Public Works Headquarters Facility. Topsoil would be temporarily stockpiled into berms along the northern, eastern, and southern boundaries of the operations area, accompanied by a silt fence. Sediment basins would be located at the northeast and southwest corners of the property. The recycled material stockpile and processing area would be located on the southern end of the site. The operations plan designates two access points from the Highway 212 construction area, both situated in the southeast corner of the operations area. The plan also ensures compliance with setback regulations, including a 50-foot setback from property lines for mining activities and a 50-foot setback from wetlands. Aside from the property owner's residence to the west, there are no other homes within the required 500-foot mining setback from neighboring residences. The owner's residence is permitted within this setback. Additionally, the applicant has submitted an existing conditions plan dated January 24, 2025.
6. The applicant has provided an access plan (dated February 7, 2025) outlining the haul truck routes from the Tellers property. Initially, the plan directs contractor trucks to exit the property via a temporary frontage road constructed along the front of the Public Works facility property, within the established construction limits. From there, haul trucks will use the existing Public Works facility driveway to directly access Highway 212. As the project advances and public traffic shifts to a temporary two-way configuration on the new eastbound Highway 212, haul trucks will discontinue use of the temporary frontage road. Instead, they will access the construction zone directly via the driveway on the southeast corner of the Tellers property, as identified in the operations plan. Toward project completion, when the existing Highway 212 roadway is removed, haul trucks will remain within the construction zone and will not travel on permanent public roads. This approach maximizes efficiency by leveraging the close proximity of the borrow pit to the construction site.
7. The applicant has supplied a reclamation plan (dated February 7, 2025) detailing the removal of temporary berms and sediment basins, along with the regrading of the land. The proposed contour lines illustrate the reduced slopes and elevations in both the borrow and fill areas. In the borrow area, the highest elevation will be reduced by approximately 12 feet, with the slope decreasing from 6.8% to about 4.1% in a representative section. In the fill area, the elevation will increase by about 10 feet, while the steepest slope will be reduced from 6.8% to 5.5% in one section. Upon completion of the project, the land will be restored to a tillable farm field and sown with a cover crop of oats. The narrative states: *"In the fall of 2027, all topsoil salvaged from the property will be replaced onto the disturbed areas. No topsoil will be removed from the site."* It also notes that *"the rate and pattern of current stormwater surface flows will not be altered with the placement of the proposed soils."* A review of the reclamation plan appears to confirm this assessment.
8. Abigail Ernst, Water Resources Program Analyst with the Carver County Water Management Organization, has reviewed the application materials but had not completed her review at the time this staff report was written. A CCWMO permit is required, and Stormwater Management standards would need to be met for both the storm water basin area and reclamation of all disturbed areas. The CCWMO permit would be issued once all other permitting requirements are satisfied and the surety for the CCWMO permit is submitted.
9. Drew Pflaumer, Carver County Public Works Transportation Manager, reviewed the IUP proposal and provided the following comments in an email (dated February 7, 2025):
 - *Public Works has reviewed the original submission and revised site plan and has found all elements of the revised proposal to be agreeable. The applicant has successfully addressed all prior concerns regarding access siting and hauling routes.*
 - *Contractor shall coordinate this haul route with the Construction Engineer for the Highway 212 Project.*
 - *Contractor shall not block the typical use of the Carver County Public Works driveway and shall modify operations as needed ensure the use of the Carver County Public Works driveway is unimpeded.*
10. The submitted IUP materials were sent to MN Department of Transportation (MNDOT), the Highway 212 road authority, and the City of Cologne for review. At the time this staff report was written, neither MNDOT nor the City of Cologne has provided comments on the application.

11. The Benton Town Board reviewed the request during their January 9, 2025, meeting and recommended approval with no additional comments or considerations.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit (IUP) application, allowing Mathiowetz Construction Company to remove approximately 60,000 cubic yards of clay and deposit approximately 80,000 cubic yards of soil on the subject property (PID 01-015-0105), the following conditions should be considered part of the permit:

GENERAL REQUIREMENTS:

1. The permit is subject to administrative review. The Interim Use Permit (IUP) is issued to Mathiowetz Construction Company. The proposed project will span from April 1, 2025, to November 1, 2027, and the permit allows for the removal of approximately 60,000 cubic yards of materials from the Hwy. 212 construction zone and the deposition of about 80,000 cubic yards of soil onto the subject property. The permit allows extraction within an operational area of approximately 9.5 acres. It is non-transferable to another property owner and cannot be leased. The permit will terminate upon the exhaustion of clay material mining and soil filling activities, a change in ownership, or the completion of the Hwy 212 road reconstruction/expansion project, whichever occurs first. However, Permit #PZ20250003 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the Carver County Water Management Organization (CCWMO) and in compliance with Zoning Code standards, and the financial security has been released, if applicable.
2. The termination date of the IUP shall be when the permittee has completed all permit requirements outlined in the Carver County permit, the CCWMO permit, and other applicable agency permits granted to utilize the Tellers Property.
3. The Permittee shall comply with all road authority access requirements as determined by the Carver County Public Works Department and/or Minnesota Department of Transportation. Mining and/or similar disturbances shall not occur within 50 feet of the private property lines or public rights-of-way. The Permittee shall obtain all required permits for work within the public right-of-way prior to initiating construction activities.
4. The Permittee shall comply with all CCWMO rules and regulations, including but not limited to grading, vegetation (with maintenance), and landscaping plans. An erosion and sediment control plan, along with a stormwater management plan for site restoration, screening, vegetation, and maintenance, shall be prepared and implemented in accordance with CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. All site improvements shall be completed in accordance with Chapter 153 – Water Resource Management. The Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit, as required by the Minnesota Pollution Control Agency (MPCA).
5. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.
6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage on the property.
7. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the certificate holder's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

OPERATIONAL REQUIREMENTS:

These requirements combined with the most current Site and Operational Plans shall govern the mining operation.

1. The land reclamation activity shall operate in accordance with the submitted Project Narrative (dated February 7, 2025), Operations Plan and Reclamation Plan (dated February 7, 2025), Access Plan (dated February 7, 2025), and all applicable CCWMO permit approvals (e.g., stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation), as well as any Benton Township conditions, MNDOT requirements, and Carver County Public Works access requirements and right-of-way standards. If any inconsistencies arise between previously submitted versions, the terms of the most recent version shall prevail and be considered requirements of this permit. The land reclamation activity shall be operated and maintained in accordance with the Carver County Zoning Code (e.g., screening, noise mitigation, etc.). These plans shall be attached to and considered part of this permit.
2. The hours of operation shall be from 6:00AM to 7:00PM Monday through Saturday. Mining and processing shall not occur on Sundays or federally observed holidays, unless for emergency related purposes (e.g., flooding, etc.).
3. The construction equipment located on-site includes, but is not limited to, excavators, loaders, bulldozers, haul trucks, and material processing equipment (e.g., loaders, a crusher, conveyors, and shakers).
4. Existing drainage patterns shall not be altered unless absolutely necessary. If alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation.
5. If internal access roads or the temporary access road on Carver County Public Works property are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or Calcium Chloride.
6. All equipment and materials used in the operation shall be stored within the operational area to minimize visual exposure to areas outside the mining area.
7. The Permittee shall comply with the noise pollution requirements and standards set forth in Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee-owned mining equipment operating at the site, and circular traffic patterns for loading shall be established to reduce backup movements.
8. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

RESTORATION REQUIREMENTS:

1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged so that exhausted phases of the operation are stabilized as work progresses throughout the site. This design may be subject to revisions and modifications by the Land Management Department, CCWMO, and the Carver County Soil and Water Conservation District (SWCD).
2. The Permittee must implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all operational areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20250003 shall be suspended until the appropriate permit is obtained. A financial security for erosion control/restoration shall be held by the County for the duration of the project/permit.
3. Topsoil and overburden required for restoration shall be maintained and preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan.

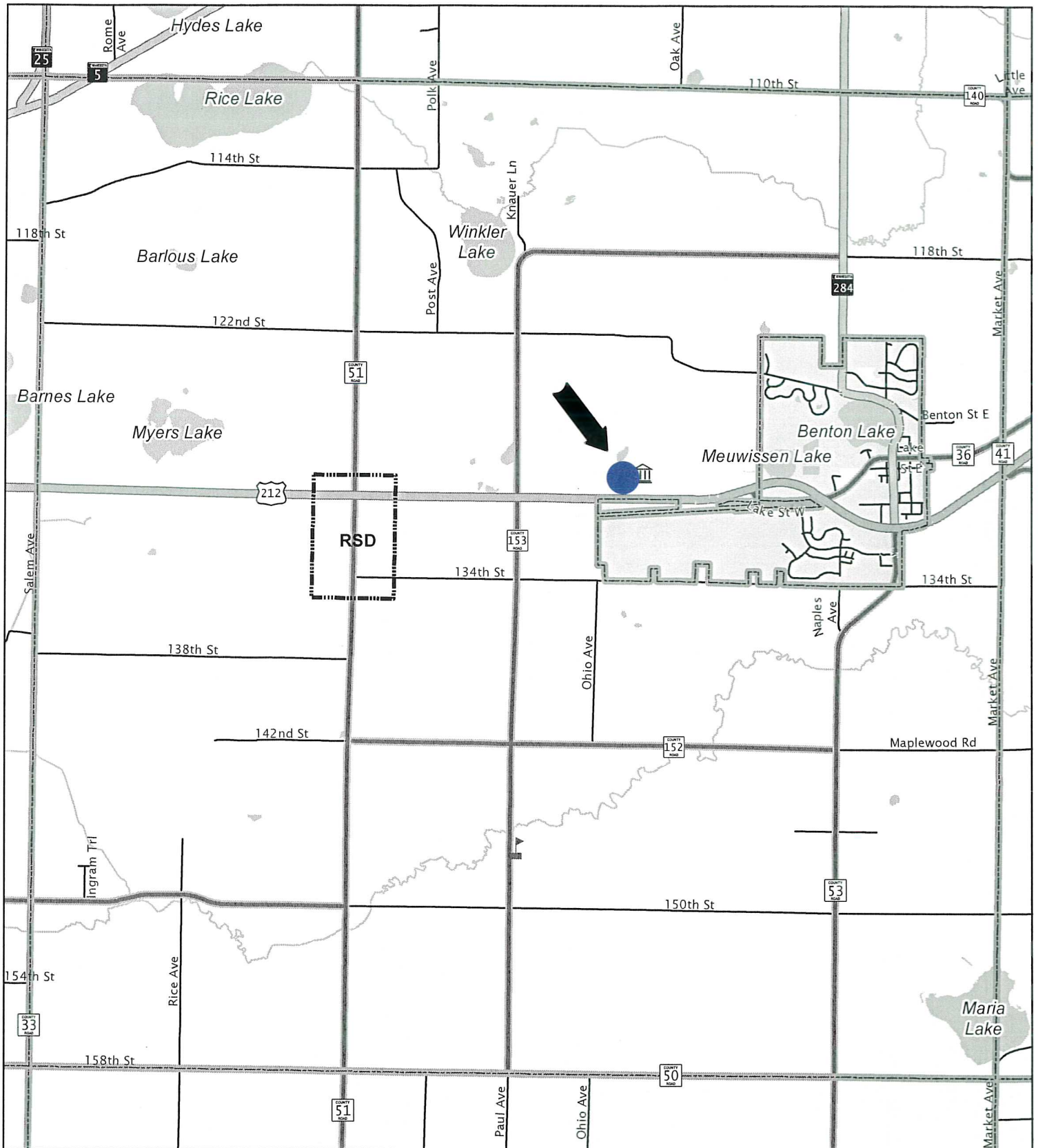
PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:

1. The Permittee shall provide a performance security (pursuant to Section 152.082(C)(5)(ii)) in a form acceptable to the County, naming the County as an obligee. The security shall be effective for at least 3 months after the annual anniversary date of this permit. The required performance surety amount is \$10,000 per acre of open mining activities (e.g., mining, staging, and restoration areas).
2. The conditions of the surety shall be that if the Permittee fails to conform to any conditions or requirements of this permit or ceases to operate the facility in accordance with the provisions of this permit, and the County is required to expend monies, labor, or materials to bring the operation into conformance or perform restoration due to non-performance by the Permittee, the County may utilize the performance security for reimbursement of any and all expenses incurred to remedy such failure.
3. The Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota, indicating that the Permittee has coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, and Explosion and Collapse of Underground Operations Liability, with a minimum limit of liability in the amount of \$2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance, or the Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The insurance certificate(s) shall include an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
4. The insurance coverage required above shall be maintained for the duration of the permit. If the permit is terminated, insurance shall be maintained until the completion of restoration and the return of the performance security.
5. The obligor and its sureties hereby indemnify and hold the County harmless from all losses, costs, and charges that may occur to the County due to default.
6. The Permittee shall submit a copy of the Worker's Compensation Insurance to the Carver County Land Management Department annually.

OR

If the Planning Commission recommends denial of the permit application, the deficiencies identified in Section 152.251 (Required Findings) of the Carver County Zoning Code should be referenced.

BENTON TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

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Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

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Visit us at: www.mathiowetzconst.com

Tellers Property Narrative

Received: February 7, 2025

Mathiowetz Construction Company will be reconstructing TH 212 between approximately Tacoma Ave and Lake St W. The work will convert this section of roadway from 2 lanes to 4 lanes over the course of 2.5 construction seasons (2024, 2025 & 2026). Part of this project involves removal of the in-place pavement on existing TH 212, removal of clean uncontaminated soils and common borrow.

We intend on recycling concrete and bituminous pavement and reusing it for the Aggregate Base needed to construct the new lanes of TH 212. To accomplish this, we need a site to temporarily pile the pavement removals. Then a mobile crusher would crush this material into a usable material and put it into a pile. This processed material would then be removed from the site and used on the new roadway. The equipment used for this process will be loaders, crusher, conveyors, and stackers.

We also intend to remove about 80,000 cy of clean uncontaminated soil from the 212 project and place it on the Tellers site. The area in which the soil would be placed consists of tillable farmland. The rate and pattern of the current stormwater surface flows will not be altered with the placement of the proposed soils. The proposed finished slopes are more gradual than current conditions.

Lastly, we intend on excavating about 60,000 cy of common borrow from Tellers for the TH 212 project. The depths will vary but will not exceed 20' from existing contours. The area identified on the plans will be the common borrow location and consists of tillable farmland.

We have made an agreement with David Tellers about stockpiling, filling, and excavating for borrow and crushing at this location. This site is directly adjacent to the road reconstruction work. The site would be fully reclaimed upon completion and returned to tillable farmland.

Material will be hauled to and from this property directly via existing and proposed TH 212 or right to construction project adjacent to Tellers. See attached access route and contour plans for more details about the route. There will be no use of any county or township roads to accomplish this. The hours of operation will be from 6 am to 7 pm Monday through Saturday. The equipment will be two loaders, two excavators, two dozers, seven off-road trucks and about twenty on-road trucks. There would be about 12 people on site at any given time not including the haul trucks. All equipment will be parked overnight on sight. We will provide dust control for operations with water and applied using water trucks.

Existing Tile

- Any existing tile will be protected and preserved

Sequence of operations, schedule

- Any entrances labeled will be stabilized to prevent tracking on live traffic roads
- A silt fence will be placed on the downgradient portions of the property as shown on our submittal
- Temporary sediment basins will be excavated, and pond skimmers will be put into place
- All topsoil will be saved and stockpiled in berms and will be temporarily stabilized. These stabilized berms will act as redundant perimeter stormwater retention on the down gradient portions of the site

- The site will be utilized for 4-1- 2025, all of 2026, and end 11-1- 2027
- In the fall of 2027, all topsoil that was salvaged from the property will be replaced back onto the disturbed areas. No topsoil will be removed from the site.
- The temporary sediment basins will be backfilled, and the outlet control structures will be removed
- There will be no permanent seeding to perform since this area will continue to be tilled farm field like it is now. The area will be planted with a cover crop of oats for over winter.

Topsoil Management:

- Topsoil will be tested in accordance with CCWMO rules
- All topsoil will be salvaged and stockpiled prior to placing any fill materials onto the property. Estimated in place topsoil thickness is 12"
- Temporary top-soil stockpiles will be temporarily stabilized
- There will be no topsoil removed from the property
- All topsoil will be placed back onto fields once use of the site is completed
- Topsoil will be tested in accordance with CCWMO rules
- Topsoil will be ripped after it has been spread back onto the field.
- There will be no permanent seeding to perform since this area will continue to be tilled farm field like it is now. The area will be planted with a cover crop of oats for over winter.

Erosion and Sediment Control

- Mathiowetz Construction will follow the SWPPP for the TH 212 project as it applies to this site (see attached SWPPP)

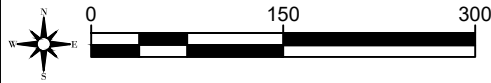
Wetland Review:

- WSB has completed a Wetland review on the property. There is a wetland on the property. But this wetland is not located within the area that we intend to work in.

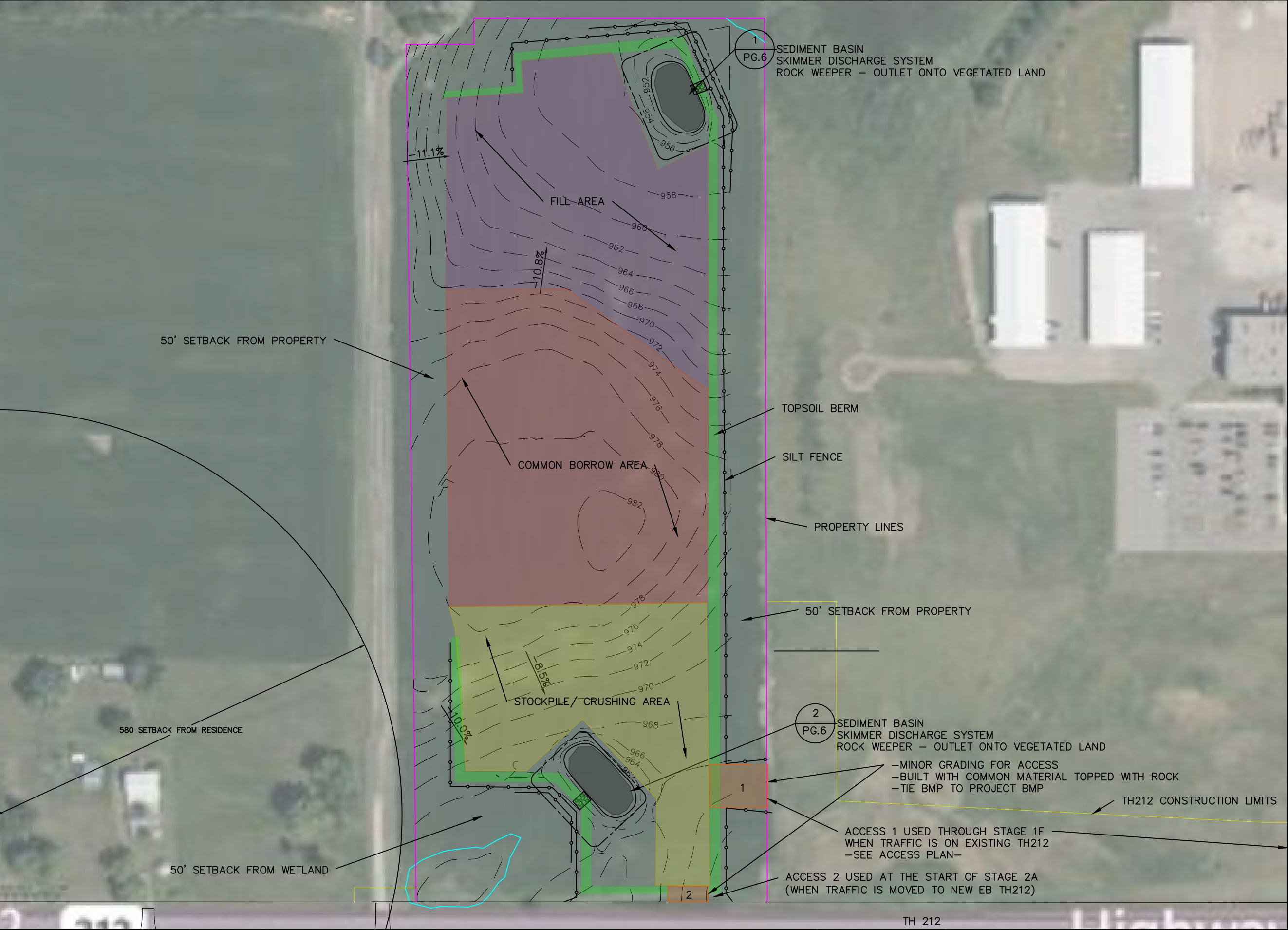


LEGEND KEY	
	EXISTING CONTOURS
	CONSTRUCTION LIMITS
	PROPERTY LINE
	EXISTING WATER FLOW
	WETLAND

- NOTES:
1. NO ROCK OUTCROPS ARE PRESENT ON SITE
 2. THERE ARE NO UTILITY EASEMENTS ONSITE
 3. THERE ARE NO EXISTING STRUCTURES OR WELLS ONSITE
 4. THE PROJECT CONSTRUCTION LIMITS ARE NOT LOCATED IN A FLOOD ZONE



	I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	_____ _____ DATE: _____ LIC. NO. _____	DESIGNED: <u>CSB</u>	TELLERS SITE	1-24-2025
			DRAWN: <u>CSB</u>	EXISTING REV2	SHEET NO. 3 OF 10 SHEETS
			CHECKED: _____		



LEGEND KEY

PROPOSED CONTOURS

EXISTING CONTOURS

PROPOSED AREA

SILT FENCE

TOPSOIL BERM

SEDIMENT CONTROL BASIN

ACCESS

CRUSHING & STOCK PILE

FILL LOCATION

COMMON BORROW LOCATION

EXISTING WATER FLOW

TH 212 CONSTRUCTION LIMITS

NOTES:

1. ONLY FARMLAND WILL BE DISTURBED DURING CONSTRUCTION

2. ACCESS DIRECTLY THROUGH TH212 PROJECT ROW and CONSTRUCTION LIMITS

3. TEMPORARY SEED TOPSOIL BERMS.

4. TOPSOIL SHALL BE TESTED BEFORE STRIPPING AND PLACING IN ACCORDANCE WITH CCWMO REGULATIONS

5. SEED WITH COVER CROP UPON COMPLETION

6. ADDITIONAL EROSION CONTROL DEVICES TO BE UTILIZED AS NEEDED

7. ROCK ENTRANCES WILL BE MAINTAINED TO REMAIN EFFECTIVE. IN THE EVENT THAT TRACKING HAS OCCURRED WE WILL SWEEP ROAD

TOPSOIL MANAGMENT

- SITE AREA 9.5 ACRES

- STRIPPING 6" OF TOPSOIL

- TOPSOIL TO BE PLACED IN BERMS ~7,663 CY

TEMP. SEDIMENT BASIN 1

- DRAINAGE AREA = 6 ACRES

- SWPPP REQUIRES 3,600 CF / ACRE

- REQUIRED BASIN VOLUME = 800 CY

TEMP. SEDIMENT BASIN 2

- DRAINAGE AREA = 3.5 ACRES

- SWPPP REQUIRES 3,600 CF / ACRE

- REQUIRED BASIN VOLUME =470 CY

N

0

135

270

	I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		DESIGNED: <u>CSB</u>	TELLERS SITE	2-7-2025
		DATE: _____ LIC. NO. _____	DRAWN: <u>CSB</u>	OPERATIONS REV4	SHEET NO. 4 OF 10 SHEETS
			CHECKED: <u>JKA</u>		

Table 1. Carver County Topsoil Standard

Requirement	Range	Test Method
Material Passing the ¾ in [19 mm]	100 %	ASTM D 422
Material passing No 4 in [4.75 mm]	≥ 85%	-
Clay	5% – 33%	ASTM D 422
Silt	5% - 35%	ASTM D 422
Sand	30% - 75%	ASTM D 422
Organic matter	2.5% – 15%	ASTM D 2974
pH	6.1 – 8.0	ASTM G 51
Compaction	-1,400 kilopascals (kPa) / 200 pounds per square inch (psi) in the upper 12 inches of soil, or -bulk density of less than 1.4 grams per cubic centimeter (g/cm3) in the upper 12 inches of soil	Field test

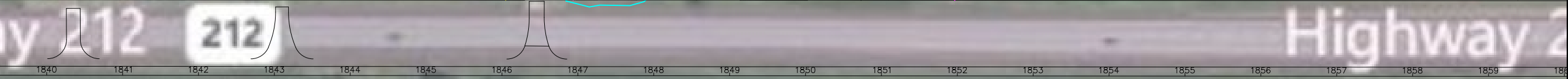
LEGEND KEY

- PROPOSED CONTOURS
- EXISTING CONTOURS
- PROPOSED AREA
- PROPOSED WATER FLOW

- NOTES:
1.

LAND TO BE RETURNED TO EXISTING FARMLAND WITH A MINIMUM OF 6" OF TOPSOIL.
2.

A FINAL RECORD DRAWING/SURVEY SHOWING FINISHED GRADES ON SITE SHALL BE SUBMITTED TO THE COUNTY FOR VERIFICATION.



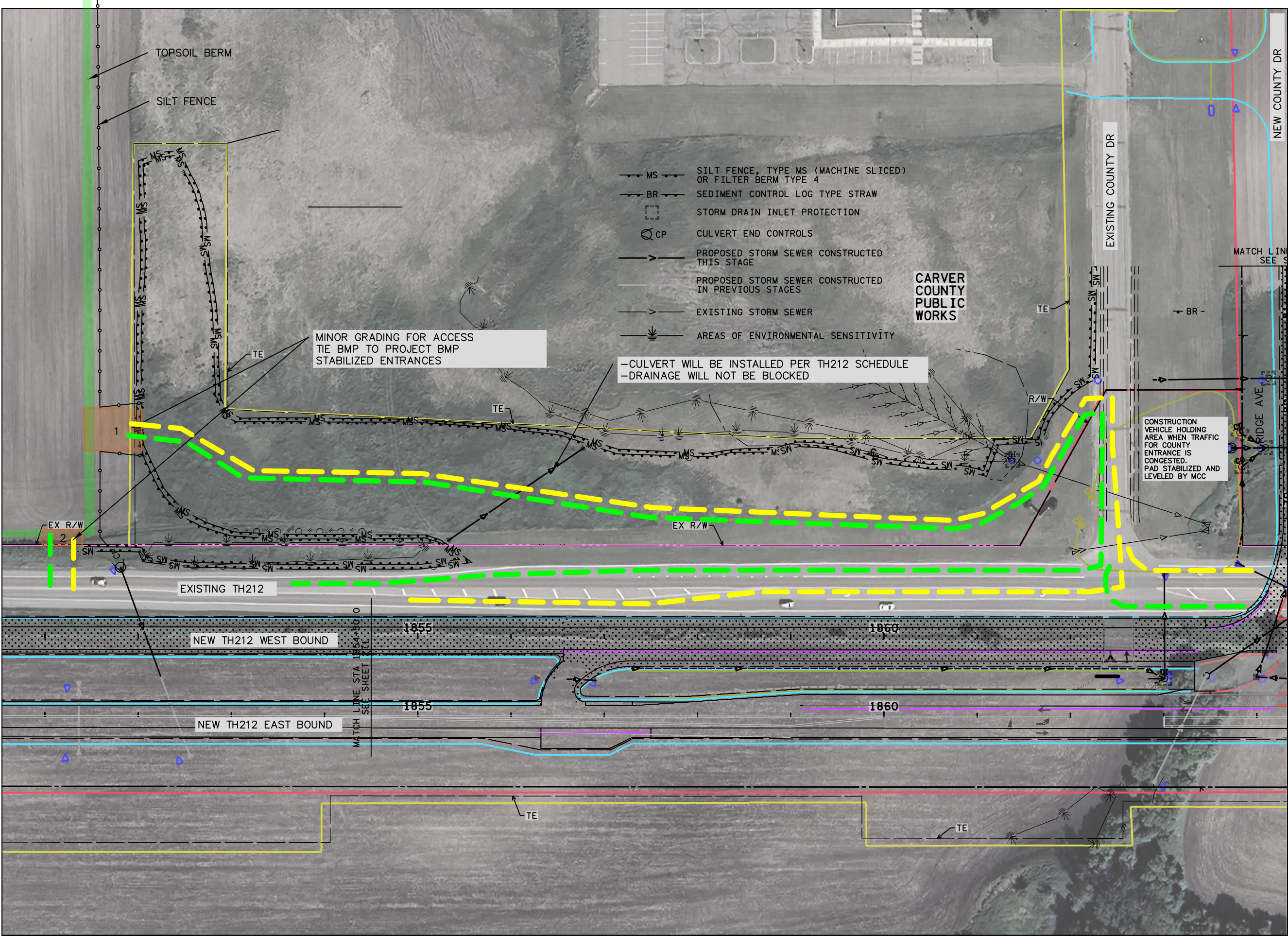
I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ LIC. NO. _____

DESIGNED: CSB
DRAWN: CSB
CHECKED: JJR

TELLERS SITE
RECLAMATION REV3

2-7-2025
SHEET NO. 5 OF 10 SHEETS



- NOTES:
1. YELLOW DASHED LINE IS ENTRANCE ROUTE
 2. GREEN DASHED LINE IS EXIT
 3. ACCESS 1 TO TELLER WILL BE USED THROUGH STAGE 1F
 - 3.1. WHEN TRAFFIC IS HEAD TO HEAD ON EXISTING TH212
 4. ACCESS 2 TO TELLER WILL BE USED AT START OF 2A
 - 4.1. WHEN TRAFFIC IS HEAD TO HEAD ON NEW TH212 EB
 - 4.2. ACCESS DIRECTLY TO CONSTRUCTION
 5. EROSION CONTROL ON THIS PLAN IS PER THE TH212 PLANS AND WILL BE TIED INTO TELLERS EROSION CONTROL
 6. WETLANDS WILL NOT BE IMPACTED
 7. TEMP ROAD WILL BE BUILT USING MATERIALS AVAILABLE ON SITE THAT ALLOW CONSTRUCTION TRAFFIC TO AND FROM TELLERS. ANY TRACKING WILL BE HANDLE PER SWPPP ON TH212 AS WE ARE ACCESSING LIVE TRAFFIC THROUGH A CONSTRUCTION PROJECT WITH MNDOT

	I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	_____ DATE: _____ LIC. NO. _____	DESIGNED: <u>CSB</u>	TELLERS SITE	2-7-2025
			DRAWN: <u>CSB</u>	ACCESS PLAN ROUTE REV1	SHEET NO. 9 OF 10 SHEETS
			CHECKED: <u>JJR</u>		



**Carver County
Public Works**

11360 Highway 212, Suite 1
Cologne, MN55322

February 7, 2025

Donovan Hart
Senior Planner
Carver County Public Services Division
Land Management Department
Government Center, Admin Bldg.
600 East 4th Street Chaska, MN 55318-2101

Re: Tellers Site Plan and Permitting

Thank you for the opportunity to review the Site Plan for the Tellers Site, to be used for borrow/excess and bituminous storage/processing in conjunction with the Highway 212 Project.

- Public Works has reviewed the original submission and revised site plan and has found all elements of the revised proposal to be agreeable. The applicant has successfully addressed all prior concerns regarding access siting and hauling routes.
- Contractor shall coordinate this haul route with the Construction Engineer for the Highway 212 Project.
- Contractor shall not block the typical use of the Carver County Public Works driveway and shall modify operations as needed ensure the use of the Carver County Public Works driveway is unimpeded.

If you have any questions or need further assistance, please contact the staff noted below:

Drew Pflaumer Transportation Planning Manager Carver County Public Works 612.865.2247 dpflaumer@carvercountymn.gov	Darin Mielke, PE Assistant Public Works Director Carver County Public Works 952.466.5222 dmielke@carvercountymn.gov
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CARVER COUNTY



Township Presentation & Recommendation Form

PARCEL # 010150105	Permit # P220250003
Owner's Name: David E Teller	Owner's Mailing Address: 11610 Highway 212
City: Cologne	Owner State: MN Owner Zip: 55322
Applicant (if other than owner): Mathiowetz Construction Company	Site Address: 11610 Highway 212

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:

Mathiowetz Construction is requesting to take clean clay fill from the site listed above and replace it with clean muck fill. The borrow and excess will be going to/coming from the Carver County TH 212 project. There will also be project bituminous removals hauled to site to be crush, stockpile and then used back onto the project. Land will be returned to existing agricultural use.

Date of County Public Hearing: 2/17/25

Date of Township Meeting: 1-9-2025

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

- Signature of Township Official

Date 1-9-25

Signature of Applicant

MCL

Date 12/30/2024

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-015-0105

File# PZ20250003

APPLICANT: Mathiowetz Construction Company (Greg Huiras)

OWNERS: Kenneth M Tellers Family Trust

Marcia K Tellers Trust

David E Tellers

* * * * *

That part of the Northeast quarter of Section 15, Township 115, Range 25, Carver County, Minnesota, lying westerly of the East 2050.00 feet (as measured perpendicular to and parallel with the east line) of said Northeast Quarter.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

Commencing at the north quarter corner of said Section 15; thence on an assumed bearing of South 00 degrees 39 minutes 55 seconds East along the West line of said Northeast Quarter, 1067.94 feet to the point of beginning of the tract to be described; thence continuing South 00 degrees 39 minutes 55 seconds East along said west line of the Northeast Quarter, 1568.86 feet to the center of said Section 15; thence South 89 degrees 53 minutes 31 seconds East along the south line of said Northeast Quarter, 66.01 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter, 1264.15 feet; thence North 89 degrees 20 minutes 05 seconds East 100.00 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter, 305.60 feet; thence South 89 degrees 20 minutes 05 seconds West 166.00 feet to the point of beginning.

Subject to right-of-way in existing U.S. Highway and subject to any and all easements of record.

Together with a non-exclusive easement for ingress and egress over, upon, and across the South 200.00 feet of that part of the Northeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota as follows: Commencing at the north quarter corner of said Section 15; thence on an assumed bearing of South 00 degrees 39 minutes 55 seconds East along the West line of said Northeast Quarter 1067.94 feet to the point of beginning of the tract to be described; thence continuing South 00 degrees 39 minutes 55 seconds East along said west line of the Northeast Quarter 1568.86 feet to the center of said Section 15; thence South 89 degrees 53 minutes 31 seconds East along the south line of said Northeast Quarter 66.01 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter 1264.15 feet; thence North 89 degrees 20 minutes 05 seconds East 100.00 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter 305.60 feet; thence South 89 degrees 20 minutes 05 seconds West 166.00 feet to the point of beginning.

And ALSO EXCEPTING Parcel 25, Carver County Right-of-Way Plat No. 35.